

**IN THE CORONERS COURT OF VICTORIA
AT MELBOURNE**

**IN THE MATTER OF:
INVESTIGATION INTO THE DEATH OF [REDACTED]**

COR 2021 2810

RESPONSE TO RECOMMENDATIONS

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1. Anglicare Victoria welcomes the opportunity to respond to the recommendations made by the Coroner in his finding dated 19 June 2024.
2. In making these submissions, Anglicare Victoria holds to the submissions previously made in response to the submissions of Counsel Assisting and to the evidence given in the Stakeholder Panel by Mr Oerlemans and Ms Gale.
3. Anglicare Victoria also relies on the following documents attached to these submissions, being copies of newsletters produced by the Buldau Yioohgen program for -
 - 3.1. August 2024;
 - 3.2. May 2024;
 - 3.3. December 2023;
 - 3.4. October 2023; and
 - 3.5. July 2023.
4. In making these submissions Anglicare Victoria has consulted with, and taken the benefit of, the reflections of its in-house cultural advisors and experts who work with the Anglicare Victoria Board and with all Anglicare Victoria staff.

Summary of this response

5. Recommendations 2, 4 and 12(b) are directed at Anglicare Victoria and are the focus of these submissions. Anglicare Victoria -
 - 5.1. supports recommendations 2 and 4 and considers that it is already achieving or working towards achieving full compliance with those recommendations; and
 - 5.2. does not support recommendation 12(b) for the reasons set out below.
6. In addition, Anglicare supports recommendations directed at DFFH which have implications for young people and families for whom Anglicare Victoria provides services, recognising that those recommendations would have resourcing implications for DFFH and would, to the extent that they involved or extended to the work done by community service organisations like Anglicare Victoria, also require the allocation of appropriate resources to those community service organisations. Those recommendations are recommendations 1, 3, 5, 6, 7, 9, 10, 11, 12(a), 13, 14, 15, 16 and 17.

General comments

7. Having regard to the significant issues of culture and support for Aboriginal young people which were raised in the inquest, Anglicare Victoria takes this opportunity to affirm its commitment to the empowerment of First Nations people to take charge of, and care for, the children and young people who come into contact with the service system.
8. In its work in the provision of out of home care and case management to children and young people, Anglicare Victoria is committed to following the Aboriginal Placement principles, as outlined in sections 12 to 14 of the *Children Youth and Families Act 2005*.
9. Anglicare supports self-determination for First Nations peoples including with regard to child protection. To that end, as explained during the inquest, Anglicare Victoria supports the use of section 18 of the *Children Youth and Families Act* to authorise ACCOs to exercise powers and functions, including with respect to the guardianship of Aboriginal children.
10. The CEO of Anglicare Victoria has attended all Aboriginal Children's Forum meetings as a commitment to working side by side with ACCOs and DFFH. Only a small number of non-Aboriginal agencies are invited to attend this forum, and Anglicare Victoria is privileged and proud to be part of it and to play its role in improving outcomes for all Aboriginal children.

Recommendation 2 – culturally connected care

11. Anglicare Victoria supports the principles underpinning recommendation 2. It recognises the importance of culture in the lives of Aboriginal and Torres Strait Islander young people and the necessity of organisations like Anglicare Victoria providing those young people with support to know and grow in their culture whilst also being supported to know and grow as members of the broader Australian community – to ‘walk in two worlds’.
12. Anglicare Victoria is involved with many Aboriginal and Torres Strait Islander children, young people and families who are connected with its services at any given time. As the Coroner noted in his findings, Anglicare Victoria has already taken a number of steps towards the provision of culturally connected care, including in residential care facilities.
13. In this submission Anglicare seeks to highlight the role of the Buldau Yioohgen program, including its leaders, and the significance of cultural spaces, so as to demonstrate that it is already working to achieve all of the aims in recommendation 2.

Anglicare’s Buldau Yiooghen program

14. Buldau Yiooghen is at the centre of Anglicare Victoria’s work to support Aboriginal and Torres Strait Islander young people. Anglicare Victoria invites the Coroner to accept that the work being done through Buldau Yiooghen meets – and indeed surpasses - the intention and content of recommendation 2.
15. Anglicare Victoria is immensely proud of the work being done by its staff through Buldau Yiooghen and is committed to its continuation and development. As a program fully funded through Anglicare’s own funds and philanthropy rather than through specific government funds, Buldau Yiooghen benefits from greater stability and has the ongoing support of the Anglicare Victoria CEO and Board. Buldau Yiooghen works alongside other parts of the care system and is led by the Aboriginal staff members who travel each week through Victoria to be available to meet with young people and staff at Anglicare locations.
16. Buldau Yiooghen is a program which facilitates and supports Aboriginal and Torres Strait Islander young people to realise their full potential through culture. Buldau Yiooghen is led by Anglicare’s Senior Cultural Operations Lead Aunty Kellie Hunter and Cultural Engagement Lead Uncle Les Corlett, supported by a program manager and by broader Anglicare Victoria governance and infrastructure. It is a program which was, like many programs, disrupted by the impacts of Covid-19 restrictions, but which is now able to operate in an ongoing way.

17. Buldau Yiooghen -
 - 17.1. is funded by a combination of philanthropy, Anglicare funds and support from partner organisations;
 - 17.2. partners with other Aboriginal led organisations;
 - 17.3. provides a program of immersive cultural activities, education and training throughout the calendar year;
 - 17.4. works with young people, their families, carers and communities to provide culturally grounded support; and
 - 17.5. provides access to training and cultural expertise to non-Aboriginal Anglicare staff.

18. Buldau Yiooghen has four core components:
 - 18.1. Moondani – Embrace
 - 18.2. Balit – Strength
 - 18.3. Ngarra Jarra – Heal
 - 18.4. Nyarrn-Gak-Go Ngulu-ik – Hear My Voice

19. All Aboriginal and Torres Strait Islander children connected to any of Anglicare Victoria's programs (including both those in out of home care and those living with their families) have access to Buldau Yiooghen and the opportunity to meet with cultural mentors and participate in the Buldau Yioohgen program of activities through the Moondani and Balit components of Buldau Yioohgen. They can be referred by any Anglicare program to receive cultural support. Within 48 hours of the referral, an appointment will be made for them to meet with Aunty Kellie or Uncle Les, and an invitation sent to join the next community cultural event.

20. Significantly, Moondani also engages with the Anglicare staff members who are working with the young person to assist and engage them in their own cultural educational journey. This is a significant means by which non-Aboriginal staff are increasing and deepening their awareness of Aboriginal culture and the ways in which they can best support the young people in their care.

21. Where young people are on re-unification orders, Buldau Yioohgen can work with them and their family, and where relevant with the local ACCO, as well as with the Anglicare case worker. Buldau Yioohgen cultural mentors can attend meetings at the local cultural

space as well as encouraging the young person and their family to connect with community events.

22. It is the view of Anglicare's cultural leaders that in-person community events, including on-Country events, provide the best opportunity for young people to connect with their culture. Buldau Yioohgen considers that real healing, both social and developmental, happens on-Country. Whilst visible signs of culture such as artwork may be seen as the top of the iceberg, it is the connection to Country which, in the view of Buldau Yioohgen, is the much larger, if hidden, component of a young person being strong in their culture and in their sense of themselves as a young Aboriginal person.
23. It is for this reason that Buldau Yioohgen focuses on in person connections, whether at community events or by the young person meeting a mentor for a yarn in a culturally safe location.
24. Buldau Yioohgen facilitates a range of such events each year across Victoria which are open to Aboriginal young people and their families. The aim is to tap into the growing strength of the young person as they build their connection to culture through the Balit component of the program. Many of these events are conducted in conjunction with ACCOs and local Elders. Examples of those events can be seen referred to in the newsletters attached to this response. They include basket weaving, art workshops and Culture on Court sessions where young people connect and learn culture while playing tennis.
25. As the Coroner heard during the inquest, many young people in care may not have strong connections to their culture. Buldau Yioohgen is able to support young people to find out more about their Aboriginal heritage where, for a variety of reasons, they may have grown up without a connection to their Aboriginal culture or been prevented from retaining that connection because of family dislocation. For example, Buldau Yioohgen was able to help one young person find out who her mob were so that she could begin to learn about and connect with them. Buldau Yioohgen is also able to assist where a young person may feel unable to access support from their local ACCO, or to work with ACCOs to support a young person and their family.
26. Older young people have the opportunity to join the Buldau Yioohgen Leadership Academy and be part of a year-long program of learning Aboriginal lore/law and four on-country experiences in Tasmania, Victoria, NSW and the Northern Territory. This is the continuation of Balit and the Ngarra Jarra components of the Buldau Yioohgen program. Each on-Country experience is led by local Elders and facilitated by Buldau Yioohgen

staff. Other Anglicare Victoria staff can apply to attend as volunteers. Each experience has a specific focus whilst being led by culture.

27. Between the four experiences, participants remain in contact with Aunty Kellie and Uncle Les and are supported to remain in connection with Buldau Yioohgen's other activities. Many young people are living complicated lives, including with unstable accommodation or family connections, and Buldau Yioohgen aims to be a point of continued contact and safety.
28. Participation in the Leadership Academy involves a commitment to learning about cultural practices, kinship systems and traditional lore/law, and to showing respect for Elders, staff, community members and peers. It is focused on the following values:
 - 28.1. Leadership – focus on community rather than the individual and on leaving a legacy for the future rather than on immediate self-gratification;
 - 28.2. Obligation – deep respect for ancestral belief systems, lore and culture and the need to protect and conserve them and to care for Country;
 - 28.3. Respect – the dignity of each person as a unique individual; and
 - 28.4. Empowerment and Self determination – the ongoing process by which Aboriginal people meet their social, cultural and economic needs.
29. Over the course of the four on-Country experiences, participants work on the creation of their own possum skin cloak. The creation of such cloaks, which were culturally significant objects as well as practical items of clothing, is a skill once thought to have been lost through colonisation but which is being re-established as a grass roots craft. The completed cloaks are presented at the Leadership Academy Graduation ceremony.
30. In the Narm (Melbourne) on-Country experience, the Buldau Yioohgen Leadership Academy partners with a range of government and private enterprises to provide young people with the opportunity to explore career pathways. This program recognises the importance of young people staying connected to culture as they transition to adulthood while being supported to access professional work environments. Current partners include Tennis Australia, BDAC, VACCA, Opera Australia, Fire Rescue Victoria, North Melbourne Football Club and ANZ.
31. Anglicare has already seen the benefits of these partnerships for young people. Each summer, a number of young people work at the Australian Open whilst staying onsite at the cultural centre Darrango yan-dhan in East Melbourne.

32. Graduates of the Leadership Academy are invited to join the Youth Advisory Committee – Nyarrn-Gag-Go-Ngulu-ik. Buldau Yioohgen and Anglicare Victoria anticipate that the Academy and the Buldau Yioohgen program will benefit from the experiences and ideas of these young leaders.
33. Young people who are not eligible for the Leadership Academy (whether by reason of age or personal circumstances) can remain connected with Buldau Yioohgen through the Balit component and continue to attend cultural events.
34. Through all of these opportunities, Anglicare Victoria considers that it is meeting and, in some cases, exceeding the Coroner’s recommendations in recommendation 2. However, it recognises the need for ongoing review and will continue to rely on and take the benefit of the expertise which is contained in the Buldau Yioohgen programme and in its Aboriginal Cultural Operations staff.

Cultural spaces and centres

35. Anglicare Victoria recognises the importance of culturally safe spaces for young people and has established Darrango yan-dhan as Buldau Yioohgen’s cultural centre to be a place of cultural safety and gathering. It is the location for many of the cultural activities and workshops conducted through the year and provides accommodation and on-site support to young people who travel to attend those activities.
36. Darrango yan-dhan prominently displays Aboriginal art (including art made by young people which it purchases) and photographs of the young people who have participated in Buldau Yioohgen programs so that, when they attend, they can recognise it as a space in which they are welcome and can feel safe. It is a calm yarnning space in which young people and their carers can feel relaxed and supported on their cultural journey.
37. Darrango yan-dhan is open two days each week for Aboriginal and Torres Strait Islander families to visit. At other times it is available to be used by Anglicare Victoria staff as a meeting space.
38. Aunty Kellie and Uncle Les have also supported Anglicare Victoria staff to set up cultural spaces in a number of Anglicare Victoria offices which can be used by staff and clients for meetings in a culturally safe and appropriate way. To date, such spaces are in place in Bendigo, Echuca, Morwell, Box Hill, Lilydale, Preston and Broadmeadows. Aunty Kellie and Uncle Les visit all sites regularly and are available to join with staff and clients in meetings if needed. These spaces allow staff to develop their knowledge and

understanding of the history of Aboriginal and Torres Strait Islander people and equips them with greater awareness of how to provide a precise and responsive service to Aboriginal and Torres Strait Islander families and young people.

39. These cultural centres are a means by which young people can have contact with cultural mentors and by which Anglicare Victoria staff can have access to cultural expertise and advice, consistent with the Coroner's recommendations.

Recommendation 4 – anti-racism and cultural awareness training

40. Anglicare Victoria recognises and supports the importance of anti-racism and cultural awareness training for its staff. As Mr Oerlemans explained in his evidence, and as was accepted by the Coroner, Anglicare Victoria already provides online cultural awareness training which is devised and delivered by Aboriginal people.
41. That training has been reviewed by Aunty Kellie and Uncle Les to ensure that it is fit for purpose and meets all of the core components in recommendation 4. A previous online training package was deemed not fit for purpose and replaced with the present version. It is supplemented by mandatory refresher training every 2-3 years. All new staff receive an induction from Aunty Kellie or Uncle Les. Buldau Yioohgen also participates in monthly meet and greet inductions which highlight events occurring within Anglicare.
42. As set out already in this submission, staff working with Aboriginal young people have access to learnings through the Buldau Yioohgen program because when they refer a young person, the support which the young person receives includes support and education for the worker. They can also apply to attend Leadership Academy camps as volunteers.
43. Anglicare Victoria will continue to take advice from its cultural leaders regarding what further training is appropriate for staff. It is open to implementing any improvements which Auntie Kelly or Uncle Les recommend or which are revealed over time to be necessary. At this time, it considers that its training of staff meets the Coroner's expectations as set out in recommendation 4.

Recommendation 12(b)

44. This recommendation appears to contemplate that young people might be referred to residential care with an expectation that they be kept in sight at all times because of their risk of self harm. Anglicare Victoria does not support this recommendation because it does not accept the premise (of line of sight monitoring) which appears to underpin it.

45. No residential care home could ever accept a young person on the basis of such a condition or expectation because it could never be complied with. Residential care homes do not have the staffing to provide ongoing line of sight monitoring or the power to compel young people to remain in line of sight if they wish to be alone. Young people are entitled to their privacy in their bedrooms and bathrooms, and no residential care worker has the authority to restrain young people from leaving the house if they wish to do so.
46. Whilst a young person at heightened risk might be able to be subject to enhanced levels of supervision for periods of time (for example, observations at frequent intervals as was the case for ██████) Anglicare Victoria could never commit to providing constant supervision of any young person and would not be able to accept a referral of such a person to any of its residential care homes. Whilst the majority of homes now operate as therapeutic residential care, with the rest completing the transition over coming months, they are not staffed to a level that could ensure constant monitoring in the house or the capacity to follow a young person who left the house.
47. The tragic circumstances of ██████ passing reflect her need for a level of inpatient care and support beyond the scope of a residential care home. Staff did what they could to monitor her closely, and did alter their level of supervision based on their assessment of her mood and risk. However, they were not in a position to keep her under constant line of sight monitoring and it would not ever be the role of a residential care home to provide such monitoring. Any recommendation which assumes that residential care could be a place of ongoing line of sight monitoring is not a recommendation Anglicare Victoria can support.
48. Accordingly whilst Anglicare Victoria does not dispute the importance of policies which ensure the safety of children at risk of self-harm, and whilst its staff did seek to protect ██████ through closer monitoring where that was possible, it respectfully disputes the appropriateness of recommendation 12(b).

Conclusion

49. Anglicare Victoria remains committed to the well-being and safety of all young people in its care and, in particular, to the continued development of its programs and staff to ensure that it offers Aboriginal and Torres Strait young people the opportunity to be supported in culturally safe and connected ways. It thanks the Coroner for the opportunity to respond to the recommendations and to demonstrate the options which are available for the support of young Aboriginal people in care.

50. On behalf of the many staff members who worked with and grew to love [REDACTED] during her time in their care, Anglicare Victoria expresses again its deep sadness and grief at her passing and acknowledges the tremendous loss felt by her family and friends.

Hall & Wilcox

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Solicitors for Anglicare